

## Counsel Office's Troxel Wins National Legal Award

Contributed by Mike Tharp  
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When Tiffany Troxel was a student at San Pedro High School in Los Angeles, she pulled off a rare double on the girls' track team. She ran sprints and threw the shot put. One requires speed, one demands strength. She managed both—and that hybrid harmony showed that she could handle all kinds of pressure.

Such a skill set has come in handy in her current job at the District's Office of Counsel. She deals with environmental matters, including regulatory and civil works programs, and applies case law, statutes, regulations, precedents and agency practices to some of the Corps' highest-profile cases. No matter how heavy the legal weather, her poise gimbals her performance.

In May, after five years in the Counsel's office, Troxel won the national Keystone Award for "exceptional service and contributions by Corps Legal Services Office professionals." The award's purpose is to recognize "professionals supporting the attorneys in the Corps (who) serve in constantly expanding and evolving roles requiring versatility, sophisticated skills and increasing responsibility."

When District Counsel Larry Minch recently accepted the award for Troxel at the USACE Worldwide Legal Services Conference in Seattle, Earl H. Stockdale, USACE chief counsel, explained why she deserved it:

"Tiffany Troxel has provided the Los Angeles District excellent litigation support in defending several complex environmental and regulatory cases. She has assisted in preparing litigation reports and motions and participated in settlement negotiations in several nationally significant lawsuits. In addition, she recently received a well-deserved commendation for her efforts in drafting restrictive covenants to address concerns raised by the EPA in connection with a permit for development in Buckeye, Ariz. Ms. Troxel is an exceptional performer who demonstrates the highest work ethic."

Minch also described her as "very hardworking and very determined to get things done. You give her something and you know it'll be done. 'I can do it,' she says, and goes right at it. She's the person that our whole District relies on for legal expertise on Regulatory matters. I look to her when I need research on Regulatory issues."

By their very nature, Regulatory issues often involve individual property rights. Those, in turn, frequently balloon into benchmark cases involving, for example, conflict between environmental groups and landowners. No matter how fair and competent the Corps decisions are, some participants go away dissatisfied. Their dissatisfaction can lead to lawsuits.

That's what happened in 1999 in Arizona. As part of its Nationwide Permit (NWP) program, the Corps issued permits for projects in three counties—a decision that was quickly challenged in court by Defenders of Wildlife (DOW). The environmental lobbying group faulted the permit, alleging it threatened habitat of the endangered pygmy owl. An initial ruling found that the Corps failed to fully consider the impacts of three categories of projects authorized under the NWP program.

In 2002, however, a study by environmental consultants SWCA Inc. concluded that the Corps' use of the streamlined process for granting permits for activities that affect wetlands did not hurt the owl. DOW appealed, and the case remains open. The Dept. of Justice handles all governmental litigation, and Troxel provided legal research, drafted and reviewed documents, attended court hearings and maintained an administrative record of the case. "We're constantly under the microscope for our Regulatory decisions," Minch said, "and she's done an excellent job defending them."

Another case for which she was honored involved a Santa Barbara County enforcement action—one of the Justice Dept.'s largest. A local farmer had filled in some 70 acres of a wetland, and the six-year case was just settled. Troxel said she contributed her legal legerdemain to the case because of its "nationally significant precedential importance."

Before she joined the Office of Counsel in 2000, Troxel worked for 10 years in the Regulatory Branch. While she was there, she attended a laws and regulations class and was bitten by the legal bug. "I found it very fascinating and interesting," she said, and soon began law school. She holds a bachelor's degree from UCLA, law degree from Ventura College of Law and an MBA from California Lutheran University. She works out of the District's

Ventura office.

Born and raised in San Pedro, she spent the summer of 1989 there as a legal assistant for attorney John Resich Jr., whose family has been commercial fishermen for generations. "She was just a great employee, very interested in the law," he recalls. "She did a great job working for me."

Soft-spoken and modest, Troxel nevertheless flashes a hint of an iron fist inside the velvet glove. Asked if her husband Michael, a financial analyst for the U.S. Navy, was proud of her award, she smiled. "He's better be."